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JUL 12 2007

REMARKS/ARGUMENTS

This is in response to the official action dated April 12, 2007. Reconsideration is respectfully requested.

Claim rejections under 35 USC § 102

The Examiner rejected Claims 1-3 as being anticipated by Lua (US2002/0197188). For anticipation, a reference must teach each and every limitation of the claimed invention. Lua teaches an air freshener with oscillating fan. A solar-power battery is operationally connected to an oscillating device to which a fan is connected. The oscillating movement of the fan moves a fragrance vapor emitted from a fixed mounted volatile fragrance out of the housing to the atmosphere. The container which holds the fragrance-emitting substance is directly under the fan 61 and is fixedly mounted in the overall housing. In contrast to the Lua reference, applicants' liquid air treatment material 13 is contained in the oscillating portion 6 as can easily seen in Fig 2. The independent claim 1 clearly states, *inter alias*, that "...an oscillating portion 6 having ... a reservoir 12 containing a liquid air treatment material 13 is in fluid communication 14 with an evaporating surface 7" (numeral added for convenience of the Examiner to more easily follow the figures). Accordingly, Applicant submits that claim 1 is not anticipated. Because the dependent claims contain the same limitations as the independent claim, claims 2 and 3 should also be allowed.

Claim rejections under 35 USC § 103

The Examiner rejected claims 1-4, 7 and 8 as being obvious over Slade (WO 01/66158). Similarly, the Examiner rejected claims 4 and 5 as being obvious over Lua and Slade, both in view of Sheridan (US 4,016,439). Similarly to the previous discussed reference of Lua, Slade also discloses a stationary liquid reservoir 3 and a stationary dispersal element 2. What moves in the case of Slade is the link between the two, consisting of a pivoted arm 13 caused to move between contact and non-contact of the reservoir and dispersal element by an electromagnetic mechanism (bar magnet 14 on the arm, electromagnetic cores 11, 12 and associated coils A, B). Thus, the teachings of Slade are completely different from the present invention, largely because

Slade has a different objective in mind, the provision of better control of evaporation (see p.1, 1.13-17). Thus, a person skilled in the art has no reason to make the liquid reservoir of Slade movable, because this serves no purpose. A skilled person knowing of Slade and being given Sheridan would merely see another magnetic pivoting device, perhaps a possible replacement for the pivoting arm of Slade. There is nothing in Sheridan that would encourage the skilled person completely to re-engineer Slade to make it do something for which it is manifestly unsuitable. Accordingly, Applicants submit that claims 1-4, 7 and 8 as well as claims 4 and 5 are not obvious and the claims, as currently amended should be allowed.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,  
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